

# Exhibit B

AO 110 (Rev. 06/09) Subpoena to Testify Before a Grand Jury

**UNITED STATES DISTRICT COURT**  
for the  
Eastern District of New York

**SUBPOENA TO TESTIFY BEFORE A GRAND JURY**

To: Nicole Lee Clyne  
c/o Edward V. Sapone, Esq.

**YOU ARE COMMANDED** to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. District Court, Eastern District of New York  
225 Cadman Plaza East, 5th Floor, Room N547  
Brooklyn, New York 11201

Date and Time:  
April 18, 2019 at 10 a.m.

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):



Any and all records in your possession, custody or control related to "DOS," "the Vow," or "the Sorority," including but not limited to (1) audio or video recordings of Keith Raniere and DOS "slaves"; (2) records identifying current or former members of DOS; (3) "collateral" provided by any current or former member of DOS; and (4) electronic devices containing such records. The quoted terms are defined in the second superseding indictment in United States v. Raniere et al., 18-CR-201 (S-2) (NGG), enclosed herewith. The term "records" should be interpreted broadly and includes drafts of documents, handwritten notes, books, memoranda, diaries, tapes, audio recordings, voicemails, journal entries, and emails and other electronic files.

Date: 04/09/2019

**DOUGLAS C. PALMER**  
CLERK OF COURT

A handwritten signature in blue ink, appearing to read "Douglas C. Palmer", is written over a horizontal line.

*Signature of Clerk or Deputy Clerk*

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

Assistant U.S. Attorneys Tanya Hajjar and Moira Kim Penza, U.S. Attorney's Office, Eastern District of New York  
271 Cadman Plaza East, Brooklyn, New York 11201  
tanya.hajjar@usdoj.gov  
(718) 254-6109/6454



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

MKM:TH/MKP  
F. #2017R01840

*271 Cadman Plaza East  
Brooklyn, New York 11201*

April 9, 2019

By E-mail

Nicole Lee Clyne  
c/o Edward V. Sapone, Esq.

Re: Grand Jury Subpoena

Dear Ms. Clyne:

This letter is supplied to a witness scheduled to appear before the federal Grand Jury in order to provide helpful background information about the Grand Jury. The Grand Jury consists of from sixteen to twenty-three persons from the Eastern District of New York. It is their responsibility to inquire into federal crimes which may have been committed in this District.

As a Grand Jury witness you will be asked to testify and answer questions. Only the members of the Grand Jury, attorneys for the United States and a stenographer are permitted in the Grand Jury room while you testify.

We advise you that the Grand Jury is conducting an investigation of possible violations of federal criminal laws involving, but not necessarily limited to, racketeering and racketeering conspiracy, and conspiracies to commit sex trafficking and forced labor, in violation of 18 U.S.C. §§ 1962, 1591, 1589 and 1594.

You are advised that you are a target of the Grand Jury's investigation. A target is a person whom the prosecutor or the Grand Jury has substantial evidence linking her to the commission of a crime and who, in the judgment of the prosecutor, is a putative defendant. As a target, your conduct is being investigated for possible violations of federal criminal law.

You may refuse to answer any question if a truthful answer to the question would tend to incriminate you. Anything that you do or say may be used against you in a subsequent legal proceeding. If you have retained counsel who represents you personally, the Grand Jury will permit you a reasonable opportunity to step outside the Grand Jury room and confer with counsel if you desire.

Very truly yours,

RICHARD P. DONOGHUE  
United States Attorney

By: /s/  
Moir Kim Penza  
Tanya Hajjar  
Mark J. Lesko  
Assistant U.S. Attorneys  
(718) 254-7000

**From:** [Edward Sapone](#)  
**To:** [Hajjar, Tanya \(USANYE\)](#)  
**Cc:** [Penza, Moira Kim \(USANYE\)](#); [Lesko, Mark \(USANYE\)](#); [Chase Ruddy](#); [William Petrillo](#); [jennifer](#)  
**Subject:** Re: Nicki Clyne  
**Date:** Tuesday, April 9, 2019 7:04:43 PM

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Got it. Reaching out to her now.

As to her testimony, I confirm that if called to testify before the GJ, she will claim 5. Given that she is a target of the investigation, I am prepared to send you a formal letter confirming the same. It's my position, respectfully, that her status as a target and my written confirmation that she will invoke should result in her not being called so as not to waste the time of the GJ.

Please let me know whether you require a formal letter from me.


Warm regards,

Edward V. Sapone  
Sapone & Petrillo, LLP  
One Penn Plaza/ 53rd Floor/ Suite 5315  
New York, NY 10119



[www.saponepetrillo.com](http://www.saponepetrillo.com)

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On Apr 9, 2019, at 3:28 PM, Hajjar, Tanya (USANYE) <> wrote:

Ed – Please see the attached correspondence and grand jury subpoena for your client Nicki Clyne. Please confirm that you will accept service of the subpoena on her behalf.

Thank you,  
Tanya

Tanya Hajjar  
Assistant United States Attorney  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, NY 11201  
(718) 254-6109

<2019.04.09 Letter.pdf>

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**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

MKM:TH/MKP  
F. #2017R01840

*271 Cadman Plaza East  
Brooklyn, New York 11201*

April 9, 2019

By E-mail

Edward V. Sapone, Esq.  
One Penn Plaza, Suite 5315  
New York, NY 10119  
ed@saponepetrillo.com

Re: Grand Jury Investigation

Dear Mr. Sapone:

As we have discussed, your client Nicole Lee Clyne has been subpoenaed to provide documents to a federal grand jury in the Eastern District of New York on April 18, 2019. The proceedings in which Ms. Clyne has been subpoenaed to provide documents involve an investigation by the United States Attorney's Office for the Eastern District of New York (the "Office") into violations of federal criminal law. You have indicated that Ms. Clyne will refuse to provide documents on the basis of her privilege against self-incrimination unless given assurances that the act of producing those documents will not be used against her in any subsequent federal criminal proceeding.

This letter confirms our agreement, effective as of the date of this letter, that Nicole Clyne's act of producing documents pursuant to the subpoena will be not used against her by the Office in any subsequent federal criminal proceeding, except that her act of producing those documents could be used against her in a prosecution for obstruction of justice if she intentionally takes any criminal actions with respect to the production (including, but not limited to, altering documents or intentionally withholding documents).

Either party may terminate this agreement by written notice to the other party, and the agreement will not apply to any statements, information or testimony provided thereafter. Please indicate your acceptance of this agreement by signing below.

Very truly yours,

RICHARD P. DONOGHUE  
United States Attorney

By: /s/  
Moir Kim Penza  
Tanya Hajar  
Assistant U.S. Attorneys  
(718) 254-7000

\_\_\_\_\_  
Nicole Lee Clyne  
Defendant

\_\_\_\_\_  
Edward V. Sapone, Esq.  
Counsel for Nicole Lee Clyne



**SAPONE & PETRILLO, LLP**

William S. Petrillo, Esq., Partner  
Edward V. Sapone, Esq., Partner

Chase S. Ruddy, Esq., Senior Associate

**MANHATTAN**

1 Penn Plaza, Suite 5315  
New York, New York 10119  
Telephone: (212) 349-9000  
Facsimile: (212) 349-9003  
E-mail: ed@saponepetrillo.com

**LONG ISLAND**

1103 Stewart Avenue, Suite 200  
Garden City, New York 11530  
Telephone: (516) 678-2800  
Facsimile: (516) 977-1977  
E-mail: william@saponepetrillo.com

April 10, 2019

Ms. Moira Kim Penza, Esq.  
Ms. Tanya Hajjar, Esq.  
Assistant United States Attorneys  
United States Attorney's Office  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, NY 11201

*Re: 04/09/2019 Grand Jury Subpoena addressed to Nicole Lee Clyne*

Dear Counselors:

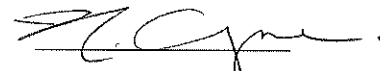
I write for Ms. Clyne in connection with the current grand jury investigation. We are in receipt of your subpoena and target letter dated April 9, 2019. I have explained to Ms. Clyne her Constitutional rights and privileges as they relate to the subpoena. On the advice of counsel, if Ms. Clyne were compelled to appear before the grand jury to give testimony, she would respectfully assert her 5th Amendment privilege against compelled self-incrimination. Given her status as a target and in light of DOJ guidelines and this letter, please confirm that you will not require Ms. Clyne's appearance to give testimony on April 18, 2019.

Respectfully,

/s/ Edward V. Sapone  
Edward V. Sapone

By my signature, I, Nicole Lee Clyne, confirm the above as true and accurate.

Dated: New York, NY  
April 10, 2019

  
Nicole Lee Clyne

**SAPONE & PETRILLO, LLP**

William S. Petrillo, Esq., Partner  
Edward V. Sapone, Esq., Partner

Chase S. Ruddy, Esq., Senior Associate

MANHATTAN

1 Penn Plaza, Suite 5315  
New York, New York 10119  
Telephone: (212) 349-9000  
Facsimile: (212) 349-9003  
E-mail: ed@saponepetrillo.com

LONG ISLAND

1103 Stewart Avenue, Suite 200  
Garden City, New York 11530  
Telephone: (516) 678-2800  
Facsimile: (516) 977-1977  
E-mail: william@saponepetrillo.com

April 15, 2019

Moir Kim Penza, Esq.  
Tanya Hajjar, Esq.  
Assistant United States Attorneys  
United States Attorney's Office  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, NY 11201

*Re: Nicole Lee Clyne Subpoena in re U.S. v. Ranieri*

Dear Counselors:

I write for Ms. Clyne in connection with the current grand jury investigation. We are in receipt of your April 9, 2019 proposed act of production immunity agreement. Respectfully, I believe the proposed agreement is insufficient. A review of *United States v. Doe*, 465 U.S. 605 (1984) and DOJ Guideline 9-23.250 makes clear that a court order is required to confer act of production immunity.

I have explained to Ms. Clyne her Constitutional rights and privileges as they relate to the act of producing documents pursuant to subpoena in the wake of *Doe*. As the Court in *Doe* explained, the act of producing records concedes the existence and possession of the records called for by the subpoena as well as the respondent's belief that such records are those described in the subpoena. *See Doe*, 465 U.S. at 613. This is both 'testimonial' and 'incriminating' for purposes of applying the Fifth Amendment. *See id.* As such, the act of producing the documents sought by the subpoena in this case is privileged and cannot be compelled without a statutory grant of use immunity pursuant to 18 U.S.C. §§ 6002 and 6003.

In *Doe*, the Government contended that the court should enforce the subpoenas because of the Government's offer not to use respondent's act of production against respondent in any way, but counsel for the Government never made a statutory request to the District Court to grant respondent use immunity. *See id.* at 609-10. In light of this failure, the Court held that the District Court properly rejected the Government's attempt to compel delivery of the subpoenaed

records absent a court order. *See id.* at 610. The Supreme Court declined to extend the jurisdiction of courts to include prospective grants of use immunity in the absence of the formal request that the statute requires. *See id.* at 616.

On the advice of counsel, Ms. Clyne is asserting her act of production privilege with respect to the documents and other materials sought by the April 9, 2019 grand jury subpoena. In light of *Doe* and DOJ Guideline 9-23.250, the Government cannot compel delivery of the subpoenaed records without a statutory grant of use immunity pursuant to 18 U.S.C. §§ 6002 and 6003. Absent a statutory grant of use immunity pursuant to 18 U.S.C. §§ 6002 and 6003, Ms. Clyne respectfully asserts her Fifth Amendment privilege.

In the meantime, together with Ms. Clyne we are collecting and logging documents and other materials responsive to the subpoena. As we continue this process, we are exploring additional potential 5th Amendment arguments which Ms. Clyne may seek to raise. At this time we do not know whether Ms. Clyne will seek to raise any such arguments, however, if it becomes appropriate, we will write to you on or before the subpoena return date.

Respectfully,

/s/ Edward V. Sapone  
Edward V. Sapone